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| 10/643,953 | 08/20/2003 | Takeshi Nishino | 122.1565 | 4976 |

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EXAMINER

DESIR, PIERRE LOUIS

| ART UNIT | PAPER NUMBER |
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2617

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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/643,953 | Applicant(s) NISHINO ET AL. | |
| | Examiner Pierre-Louis Desir | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9,10,17,19,20,22-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,17,19,20,22,23,25,29,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 9,10,24,27,28 and 30-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/03/2007 have been fully considered but they are not persuasive.

Examiner argues that the newly added limitation, "to limit the movement of the operational object on the display screen to less than the 360-degree direction based on the contents displayed on the display screen" is not disclosed by the cited reference.

Examiner respectfully disagrees. Hotta discloses a device comprising precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch provided on a mouse (see abstract). As can be seen, the cursor can be moved in the completely horizontal or vertical direction not both. Thus, the movement of the cursor is limited to less than the 360-degree direction.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 17, 19-20, 22-23, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto, Pub. No. US 20020155857, in view of Hotta et al. (Patent abstract Of Japan Publication Number: 05181603) (cited by Applicants), and Kim, U.S. Patent No. 6765598.

Regarding claim 1, Nishimoto discloses a pointing device that can be operated to move an operational object on a display screen in any 360-degree direction (i.e., the pointer can be set to a desired piece of information by inherently moving the pointer in the direction of that piece information) (see abstract, and paragraph 14), comprising: a control unit for changing an operation mode of said pointing device according to contents displayed on said display screen at the time the pointing device is operated, wherein the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode, and defines the direction in which the operational object can be moved on the display screen, as a current direction which the pointing device can be operated (i.e., the finger is shifted while it is in contact with the sensor window so as to set the pointer to a desired menu among menus displayed on the LCD. An optical image of the finger, detected by the image sensor, is transmitted to the CPU through an image sensor interface so that, for example, the shifting direction and the shift distance of finger 30 are found. Based upon the shifting direction and the shift distance of the finger thus found, the CPU shifts the pointer displayed on the LCD through the LCD interface. A proper input key is pressed with the pointer indicating the necessary information to select the corresponding information. Thus, the information is displayed on the LCD. According to the menu displayed on the LCD, when the device is operated, the operational mode of the pointing device is changing relative to the finding of the shifting direction (i.e., determination of the direction in which the operational object (cursor or pointer) can be moved) and the shift distance of the finger (direction of which the pointing device can be operated)) (see page 1, paragraphs 9, 52-53).

Although Nishimoto discloses a device as described, Nishimoto does not specifically disclose a device wherein the control unit is used to limit the movement of the operational object on the display screen to less than the 360-degree direction based on the contents displayed on the display screen.

However, Hotta discloses a device comprising precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch provided on a mouse (see abstract). As can be seen, the cursor can is moved in the completely horizontal or vertical direction not both. Thus, the movement of the cursor is limited to less than the 360-degree direction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a further enhancement as related to ensure the precisely shifting of the cursor on the display (see Hotta's abstract) and to ensure the proper calibration of the pointer.

Regarding claim 17, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 1 rejection, and abstract).

Regarding claim 19, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 1 rejection, and abstract).

Regarding claim 20, Nishimoto discloses a mobile telephone (see claim 17 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 22, Nishimoto discloses a mobile telephone (see claim 19 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 23, Nishimoto discloses a method for controlling a pointing device, that can be operated to move an operational object on a display screen in any 360-degree direction (i.e., the pointer can be set to a desired piece of information by inherently moving the pointer in the direction of that piece information) (see abstract, and paragraph 14) comprising the controlling step of: changing an operational mode of said pointing device according to contents displayed on said display screen at the time the pointing device is operated, wherein the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode, and defines the direction in which the operational object can be moved on the display screen, as a current direction which the pointing device can be operated (see page 1, paragraphs 9, 52-53, and refer to claim 1 reasoning).

Although Nishimoto discloses a method as described, Nishimoto does not specifically disclose a method wherein the control unit limit the movement of the operational object on the display screen to less than the 360-degree direction based on the contents displayed on the display screen.

However, Hotta discloses a device comprising precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch provided on a mouse (see abstract). As can be seen, the cursor can is moved in the completely horizontal or vertical direction not both. Thus, the movement of the cursor is limited to less than the 360-degree direction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a further enhancement as related to ensure the precisely shifting of the cursor on the display (see Hotta's abstract) and to ensure the proper calibration of the pointer.

Regarding claim 25, Nishimoto discloses a mobile telephone (i.e., mobile terminal) (see abstract) comprising a pointing device that can be operated to move an operational object on a display screen in any 360-degree direction (i.e., the pointer can be set to a desired piece of information by inherently moving the pointer in the direction of that piece information) (see abstract, and paragraph 14), a control unit for changing an operational mode of said pointing device according to contents displayed on said display screen at the time the pointing device is operated, wherein the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode, and defines the direction in which the operational object can be moved on the display screen, as a current direction which the pointing device can be operated (see page 1, paragraphs 9, 52-53, and refer to claim 1 reasoning).

Although Nishimoto discloses a device as described, Nishimoto does not specifically disclose a device wherein the control unit limit the movement of the operational object on the display screen to less than the 360-degree direction based on the contents displayed on the display screen.

However, Hotta discloses a device comprising precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch

provided on a mouse (see abstract). As can be seen, the cursor can be moved in the completely horizontal or vertical direction not both. Thus, the movement of the cursor is limited to less than the 360-degree direction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a further enhancement as related to ensure the precisely shifting of the cursor on the display (see Hotta's abstract) and to ensure the proper calibration of the pointer.

Regarding claim 29, Nishimoto discloses a mobile telephone (see claim 25 rejection) wherein the control unit is constituted in a main control unit of the mobile telephone i.e., CPU) (see figs. 3, 6, 9, 10, 17).

Allowable Subject Matter

4. Claims 30-32, 9, 10, 24, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Louis Desir
01/07/2008



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER